



607.03 Prisoner Searches

Number Series: 600 - Corrections Division

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607.03-1 Policy

- I. In order to ensure the security and safety of staff and prisoners, and to control and prevent the introduction of contraband into Hendry County Sheriff's Office Jail facility, Certified Detention Deputies shall conduct necessary searches of prisoners, prisoner housing units, and perimeter grounds. Contraband shall be disposed of in a proper manner. Policies regarding searches for the control of contraband shall be published, made available to staff and prisoners, will be reviewed at least annually and updated if necessary. All personal searches shall be in accordance with applicable Florida Statutes.
- II. Pat-down Searches/Frisk Searches:
 - A. Pat-down search is defined as a procedure whereby the outer clothing of a person is checked by running hands along (or patting) the clothing of the person. It does not require the removal of clothing. It may involve checking the contents of the pockets. It is the least intrusive kind of search and shall always be conducted in a professional manner.
 - B. Staff will not pat search or strip search a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Status should try to be determined through conversation with the inmate by a staff member or a review of medical files.
 - C. Cross-gender search is defined as the pat-down search of a prisoner by a Deputy of the opposite sex.
 1. Female Deputies are permitted to pat-down male prisoners provided no genital or anal contact is made. Female Deputies shall use the back of their hand(s) when conducting a search of a male prisoner.
 2. Although same gender searches are preferred, during emergency conditions such as riot, fire, hurricanes, or other natural disasters, the ranking supervisor on duty may authorize a male deputy to pat-down a female prisoner. No breast, genital, or anal contact is to be made and the back of the hand(s) shall be used when conducting a search of a female prisoner. All cross-gender searches of female prisoners shall be documented in the log to include start and termination entries.
- III. Body Cavity Searches:
 - A. Visual inspections of inmate body cavities may be conducted only when there is probable cause to believe that a prisoner is carrying contraband, i.e., weapon, drugs, currency, or other prohibited material and only upon written prior authorization of the supervising Deputy on duty. The inspection shall be conducted by trained staff of the same sex as the person being searched, and shall only be done in private.

- B. Manual or instrument inspection of body cavities may be conducted only when there is probable cause to do so and when authorized in writing by the Jail Administrator or person acting in such capacity, or higher authority. The inspection shall be conducted in private by licensed medical professionals under sanitary conditions. Two Deputies shall also be present, both of whom shall be of the same gender as the person being searched.
 - 1. Body cavity searches ordered by the court shall be performed only as *specifically* stated within the court order/warrant.
 - 2. The procedures for accomplishing the search shall include all regulations as stated in this Directive regarding privacy, gender and reporting requirements.
 - C. Evidence constituting probable cause for a prisoner body cavity search should consist of a written statement by the arresting Deputy, or an on duty Detention Deputy, that he/she has reasonable suspicion to believe that the person has secreted materials within a body cavity in order to avoid detection by law enforcement officials. Written description/articulation of probable cause shall be delivered to the Jail Administrator or higher authority prior to permission/authorization. Authorization, if granted, shall be provided in writing by the Jail Administrator or higher authority.
- IV. Strip Searches – A strip search consists of a search in which the person removes all or some clothing, a visual body check is performed, and each piece of clothing is individually searched prior to being returned. No physical contact is made during this search, except as noted in **paragraph 607.03-3 (III)**. Persons shall only be strip searched under the following circumstances, and as stated in **paragraph 607.03-3**:
- A. Whenever there is clear and probable cause to suspect the presence of contraband and such search is authorized by the supervising Deputy on duty.
 - B. Strip searches ordered by the court shall be performed only as *specifically* stated within the court order/warrant. The procedures for accomplishing the search shall include all regulations as stated in this Directive regarding privacy, gender and reporting requirements.
 - C. Law Enforcement Officers requiring a strip search of a newly arrested person must obtain written authorization from the supervising Deputy on duty.
 - D. When a strip search is required for a transgender/intersex inmate, the search will be conducted by an officer of the same sex as what the inmate provided at the intake process on their Medical/PREA Intake Form and Sexual Risk Assessment Form.

607.03-2 Pat-Down/Frisk Searches (Searches While Clothed)

- I. The search while a subject is fully clothed should be routinely used during prisoner movement within the Jail facility, or when the prisoner is suspected of having contraband secreted within his/her clothing. When conducted properly, most contraband can be detected using this method of search. The search may be conducted at random, but should be done with discretion.
- II. Before starting this type of search, the subject should remove the contents of his/her pockets; remove his/her shoes and headgear, if any. The headgear, shoes, and personal effects should be inspected before proceeding with the search.
- III. The search should be accomplished as follows:
 - A. The subject should face away from the Deputy with arms extended and feet apart at least 12 to 18 inches.

- B. Start at the back of the subject's head, using both hands follow a direct course across the back of the arms to the hands, then across the front of the arms to the shoulders and armpits.
- C. Return hands to the original starting position and cover the shoulders and down the back and sides to the belt line, all pockets, and chest area.
- D. From the back at the waistline, proceed down the back and side of the legs to the feet. Check the feet, socks, trouser cuffs and inside of the legs up to the groin.

NOTE: Check shoes, trouser cuffs, socks, collar and groin area thoroughly.

Staff will not pat search or strip search a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Status should try to be determined through conversation with the inmate by a staff member or a review of medical files.

607.03-3 Strip Searches

- I. Strip searches should be used to detect contraband hidden on the body of a subject
 - A. Strip searches shall be performed by two (2) Certified Deputies, of the same gender as the subject to be searched, in privacy with tact and diplomacy, and in accordance with established procedures.
- II. Strip searches shall be performed on new arrests as follows:
 - A. Strip searches shall be performed on persons charged with possession of controlled substance, weapons charges, or other felony charges.
 - B. No person arrested for a traffic, regulatory, or misdemeanor offense, except in a case **WHICH IS VIOLENT IN NATURE, OR INVOLVES A WEAPON, OR INVOLVES A CONTROLLED SUBSTANCE**, shall be strip searched unless there is probable cause to believe that the individual is concealing a weapon, a controlled substance, or stolen property.
- III. Strip searches on other than new arrests will be performed under the following circumstances:
 - A. Inmate arrival at the facility from:
 - 1. Court outside the facility.
 - 2. Another state.
 - 3. Another county facility.
 - 4. Any other place where the prisoner may have come in contact with the public.
 - B. After apprehension from an escape or attempted escape.
 - C. When being transferred to confinement.
 - D. Following contact visitation.
 - E. When a person is reporting to a Jail facility to serve a sentence, including weekends or other.
 - F. Whenever there is clear and reasonable cause to suspect the presence of contraband.
- IV. Strip search procedures:
 - A. The subject shall be removed from the view of all other persons. The search should be conducted in an area only accessible to the staff conducting the search. Every effort shall be made to preserve the individual's dignity.

- B. Staff shall not establish physical contact with prisoners when conducting a strip search except in self-defense, in response to physical resistance to a lawful order, or to render medical assistance.
- C. In cases involving more than one subject to be searched, the subjects may not be searched in view of each other. Only the subject to be searched and the staff involved will be present during the search.
- D. The subject will remove all clothing; place the clothing as directed by the Deputy, then move away from the clothing as directed by the Deputy.
- E. A visual search will be performed to include the hair, ears, and mouth (dentures to be removed). The entire body will be visually checked including armpits, hands, nails, pubic region, between the toes, soles of the feet, rectum and inner portions of the legs. (A large toothed comb may be used for the hair).
- F. Bandages, casts or artificial limbs should be thoroughly examined by health care staff working under sanitary conditions in a medically approved manner. Internal examination of the body orifices, when required, will be made only by health care staff. **(See paragraph 607.03-4 "Body Cavity Searches")**
- G. Every article of clothing and personal property shall be searched:
- H. Collars, cuffs, lapels, seams
- I. Shoes - check for split soles, false linings, removable insoles or heels
- J. No physical contact will be made with the subject being strip searched except to run the comb through his/her hair, as necessary. A flashlight may be helpful in completing the visual search of the subject.
- K. Clothing will be returned to the inmate as soon as possible.
- V. When a strip search is required for a transgender/intersex inmate, the search will be conducted by an officer of the same sex as what the inmate provided at the intake process on their Medical/PREA intake Form and Sexual Risk Assessment Form.

607.03-4 Body Cavity Searches

- I. Authorization to initiate a body cavity search requiring any degree of intrusion shall only be given by the Jail Administrator, or higher authority, in writing, after consideration of all written information relating to probable cause. Body cavity searches shall be conducted only by licensed medical personnel and complete, written reports shall be submitted to the Jail Administrator.
- II. A body cavity search will only be initiated when there is probable cause to believe that a prisoner has secreted contraband within a body cavity.
- III. A Supervisor or other high ranking Deputy of the same gender as the subject to be searched must be physically present when the body cavity search is made and shall ensure that the following conditions are met prior to the search:
 - A. Probable cause establishes that there is a clear indication that the subject has within a body cavity evidence/contraband which should be removed.
 - B. The search is being conducted by a physician or other qualified, licensed medical personnel working under sanitary conditions and in a medically approved manner. Birth control devices or other foreign matter shall be removed only by the subject, or if appropriate, by the medical practitioner conducting the search.
 - C. Only those persons necessary for security and the search will be present during the search.

- IV. Documentation:
 - A. Complete and detailed documentation of all body cavity searches shall be submitted to the Jail Administrator.
 - B. The report will include the following information:
 - 1. Chronology of events leading to the search and escalation of the search process.
 - 2. Name and rank of all persons participating in the search process, or supplying information which justified the search.
 - 3. All evidence and information regarding the justification for each degree of the search.
 - 4. Results at the conclusion of the search.
- V. Contraband retrieved will be disposed of according to established procedures.
- VI. Officers and Medical staff must attempt to communicate with the inmate for the cooperation in determining gender for the purpose of housing and additional inmate services without resorting to a physical examination. If the inmate refuses to cooperate, the inmate will be housed in a single cell by themselves until the Review Team communicates and attempts to receive confirmation. The Review Team will consist of the following:
 - A. Medical Personnel or Mental Health Counselor
 - B. Detention Captain
 - C. Detention Lieutenant
 - D. PREA Coordinator

REFERENCES

State/Federal Regulations:
Florida Model Jail Standards

FCAC:
N/A

PREA:
§ 115.15, *Limits to cross-gender viewing and searches*

Forms:
N/A

Other Policy/ Procedure References:
600.00 Table of Content